

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC. SECURITIES,
DERIVATIVE & “ERISA” LITIGATION

MDL No. 1658 (SRC)

THIS DOCUMENT RELATES TO: THE KBC
ASSET MANAGEMENT NV ACTION
CIVIL ACTION NO. 11-6259 (SRC)

Civil Action No. 05-1151 (SRC)

Civil Action No. 05-2367 (SRC)

ORDER

CHESLER, District Judge

This matter having come before the Court upon the motion by Defendants Merck & Co, Inc. (“Merck”), Alise S. Reicin and Dr. Edward M. Scolnick (collectively, “Defendants”) to dismiss the Complaint filed by Plaintiffs KBC Asset Management NV, Pioneer Investment Management Ltd., Pioneer Investment Management SGRpa and Pioneer Investments Austria GmbH (collectively, “KBC”) pursuant to Federal Rule of Civil Procedure 12(b)(6); and KBC having opposed the motion; and the Court having considered the motion based on the papers submitted and without oral argument, pursuant to Federal Rule of Civil Procedure 78; and for the reasons expressed in the Opinion filed herewith,

IT IS on this 20th day of December, 2012,

ORDERED that Defendants’ motion to dismiss the KBC Complaint [d.e. 349 in Civil Action No. 05-1151, d.e. 378 in Civil Action No. 05-2367] be and hereby is **DENIED**.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge